

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

COLUMBIA LUXAR,	§	
Plaintiff,	§	
	§	
v.	§	No. 3:20-cv-00467-X (BT)
	§	
DELORIS PHILLIPS,	§	
Defendant.	§	

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is *pro se* Defendant Deloris Phillips's motion for leave to file this removal action. For the following reasons, the Court should deny the motion and dismiss this case.

I.

Phillips "has been deemed a pernicious, abusive, and vexatious litigant by the United States Court of Appeals for the Fifth Circuit and by this Court." *Phillips v. Federal Bureau of Investigation*, 3:13-CV-1571-B, Doc. No. 10 (N.D. Tex. May 20, 2013) (citing *Phillips v. United Parcel Serv.*, No. 11-10766, Order at 1-2 (5th Cir. May 16, 2012)). Consequently, she must obtain leave from a district judge of the Northern District of Texas to file a complaint in this court. *See Phillips v. City of Dallas*, No. 3:14-CV-3131-M, (N.D. Tex. Jan. 5, 2016). Here, leave to file this action should be denied because Phillips has failed to comply with Local Rule

81.1(a), which requires that a defendant attach the following documents to the notice of removal:

- an index of documents filed in state court;
- a copy of the docket sheet in the state court action;
- each document filed in the state court action, except for discovery materials; and
- a separately signed certificate of interested persons that complies with Local Rule 3.1(c) or 3.2(e).

*See also* 28 U.S.C. § 1446(a) (defendant who removes a civil action from state court to federal court must file, *inter alia*, “a copy of all process, pleadings, and orders served upon such defendant or defendants in such action”). Phillips failed to file the required documents to remove this case to federal court. Leave to file this action should therefore be denied.

II.

The Court recommends that Phillips’ motion for leave to file this case and all pending motions be denied.

Signed March 6, 2020.

  
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REBECCA RUTHERFORD  
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND  
NOTICE OF RIGHT TO APPEAL/OBJECT**

A copy of this report and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of this report and recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). To be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's report and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996).